

REMARKS

Claims 1-24 are pending in the present application. Claims 1-24 currently stand rejected. Without admitting the propriety of the rejections, but to facilitate prosecution, Claims 1, 18, and 24 have been amended to more particularly point out and distinctly claim aspects of the present invention. Additionally, Claims 1, 18, and 24 have been amended to incorporate a modified form of the limitation of Claim 6, which has been cancelled.

The amendments to Claims 1, 18 and 24 are fully supported by the specification and figures. For example, Page 9, Lines 26-30, states that "[a]n end portion 19 of the stack 3 . . . is along the outer 8 and the inner 9 cylindrical wall encapsulated in such a manner that the stack 3 is divided into an encapsulated stack portion 20 and a non-encapsulated stack portion 21." Figure 2 illustrates the outer circumferential wall and inner circumferential wall forming the encapsulation 22. Figure 2 illustrates that the encapsulation 22 is "formed by the co-extension of an outer circumferential wall and an inner circumferential wall surrounding the end portion of the stack, the encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall" (in this case both), as recited in the currently amended Claims 1 and 18. Further, the specification at Page 9, Lines 8-10 states "the apparatus comprises a first end closure 16 which is arranged to cover the annular space 10 of the stack 3." Figure 2 also illustrates that the first end closure 16 is arranged to "cover the conveyor belt in its helical path, wherein said first end closure fits tightly against the outer and inner circumferential walls of the encapsulation," as recited in Claims 1 and 18, as currently amended. The amendments to Claim 24 are similarly supported by the specification as described above. Additionally, support for the term "encasement" can be found in at least Figures 2-4, where an encasement comprising an outer circumferential wall 34, and inner circumferential wall 36, and

an end closure 16 that fits tightly against the second end edges of the outer 34 and inner 36 circumferential walls, is readily apparent.

Based on the amendments set forth above and the remarks set forth below, Applicants submit that Claims 1-24 are currently in condition for allowance. Accordingly, reconsideration and allowance of Claims 1-5, and 7-24 is respectfully requested.

Claim Rejections Under 35 U.S.C. § 112, First Paragraph

Claim 24 stands rejected under 35 U.S.C. § 112, First Paragraph, as failing to comply with the written description requirement. Specifically the Office Action states that the term "housing" as used in the Claim is new matter because it is "inconsistent with how the term . . . is used in Applicant's Specification." Additionally, Claims 1, 18, and 24 stand rejected under 35 U.S.C. § 112, First Paragraph, as being indefinite. Specifically, the Office Action states that the term "essentially tight" renders the claims indefinite. The Office Action further states that this term "is not defined by the claims, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The size of the encapsulation relative to the stack is also rendered indefinite because of the relative term."

First, Claim 24 has been amended. In this regard, the term "housing" has been removed from the language of the claim and replaced with the term "encasement", thereby obviating this rejection.

Second, Applicants respectfully submit that the term "essentially tight" is not indefinite, but rather that the specification provides a standard for ascertaining the requisite degree of the term. Specifically, the specification at Page 9, starting at Line 30, states: "The encapsulation 22 is essentially tight in the horizontal direction. The upper edge of the encapsulation 22 fits tightly against the first end closure 16 and its lower edge fits tightly against the outer 8 and inner 9

cylindrical wall. The term 'fits tightly against' relates to a reasonable degree of sealing that prevents a considerable flow of water vapour from passing." Therefore, the term "essentially tight" is used to invoke a close spatial relationship between the cylindrical walls of the stack and the edges of the encapsulation that prevents a considerable flow of water vapour from passing between them. The purpose of this arrangement is "to direct the flow of the second gaseous medium in such a manner that it is passed in the vertical direction from said encapsulation to the rest of the stack." See e.g. specification at Page 3, Lines 24-28. Because the specification provides a definition with a standard for ascertaining the requisite degree for the term "essentially tight", the Applicants respectfully request the withdrawal of this rejection.

Claim Rejections Under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,515,775, issued to Crump et al. ("Crump")

Claims 1-2, 5-13, 15, 18-19, 22, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,515,775, issued to Crump et al. ("Crump"). While Applicants respectfully disagree, Claims 1, 18 and 24 have been amended to facilitate prosecution.

To establish a *prima facie* case of obviousness, the cited prior art references must teach or suggest each and every element of the claim. In addition, there must be some apparent reason, either in the references or in the knowledge of one skilled in the art, to modify the reference or to combine the elements of multiple references with a reasonable expectation of success.

The Office Action characterizes Crump, at Column 9, lines 9-18, and in Figure 8, as teaching "L"-shaped partitions that can be attached to *any* of the existing horizontal partitions, including partition 37 (emphasis added). The Office Action, concludes that Crump teaches or makes obvious an encapsulation formed by an "outer circumferential wall and an inner circumferential wall vertically surrounding the end portion of the stack, the encapsulation

extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall", as recited in the present Claim 1. Applicants respectfully disagree.

Nowhere does Crump describe or suggest that an "L"-shaped partition can be attached to partition 37 to arrive at the encapsulation of the present invention. Instead, Crump describes four *specific* chambers 42, 43, 44, and 45, created by connecting four *specific* "L"-shaped partitions 46, 47, 48, and 49, to three *specific* existing horizontal partitions 22, (unnumbered, but not 37), and 41. Moreover, even if Crump permitted an "L"-shaped partition to be connected to horizontal partition 37, such "L"-shaped partition would extend downward from horizontal partition 37 (see partition 46 in Figure 8), but would not necessarily overlap to any substantial extent "L"-shaped partition 46. As such, the requirements of Claim 1 that "the encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall" would not be met.

In the alternative, if a hypothetical "L"-shaped partition were connected to horizontal partition 37, and were to hypothetically extend downward any appreciable distance, then the resulting structure would negate chamber 36 and increase the complexity of the described device.

Finally, Applicants note that the paragraph in Crump that describes the additional "L"-shaped partitions also states that the described "L"-shaped partitions may be advantageous because they "preserve large spaces inside the device for personnel access to clean or otherwise maintain the device" (See Column 9, Lines 12-19). Accordingly, any hypothetical "L"-shaped partition connecting to horizontal partition 37 could not substantially overlap the vertical distance of "L"-shaped partition 46, because to do so would restrict personal access to the portion of the stack defined by the overlap of the "L"-shaped partitions to clean or otherwise maintain the device. Therefore, the hypothetical arrangement of "L"-shaped partitions suggested in the

Office Action to create an encapsulation would destroy the stated purpose of the embodiment shown in Figure 8.

Notwithstanding the foregoing, and in order to facilitate the prosecution of the present application, Applicants have amended Independent Claims 1, 18 and 24. Claim 1, as currently amended, generally recites an apparatus for treatment of foodstuffs for processing and subsequent drying. The apparatus comprises, in part, "an end portion of the stack, in which said stack is vertically surrounded by an encapsulation that is essentially tight in the horizontal direction, the encapsulation being formed by the co-extension of an outer circumferential wall and an inner circumferential wall vertically surrounding the end portion of the stack, the encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall." The apparatus further comprises "a first end closure arranged to cover the conveyor belt in its helical path, wherein said first end closure fits tightly against the outer and inner circumferential walls of the encapsulation".

Similarly, Claim 18, as currently amended, generally recites a method for treating foodstuffs for the purpose of processing and drying. The method comprises, in part, providing "an encapsulated stack portion being encapsulated in the vertical direction by an encapsulation that is essentially tight in the horizontal direction, the encapsulation being formed by the co-extension of an outer circumferential wall and an inner circumferential wall vertically surrounding the encapsulated stack portion, the encapsulation extending along substantially the vertical distance of one of the outer circumferential wall and inner circumferential wall". The method further comprises "providing a first end closure arranged to cover the conveyor belt in its helical path, wherein said first end closure fits tightly against the outer and inner circumferential walls of the encapsulation".

Finally, Claim 24, as currently amended, generally recites an apparatus for treatment of foodstuffs for processing and subsequent drying. The apparatus comprises, in part, "an end portion of the stack being surrounded by an encasement being essentially tight in the horizontal direction, said encasement comprising: (i) an outer circumferential wall with first and second end edges, wherein the first end edge is essentially tight in the horizontal direction against the stack, (ii) an inner circumferential wall with first and second end edges, wherein the first end edge is essentially tight in the horizontal direction against the stack, and (iii) an end closure disposed beyond the portion of the stack defined by the helical path of the conveyor belt, wherein the end closure fits tightly against the second end edges of the outer and inner circumferential walls".

Crump does not disclose or suggest features having at least the benefits described above. Specifically, Crump does not disclose or suggest an "a first end closure arranged to cover the conveyor belt in its helical path, wherein said first end closure fits tightly against the outer and inner circumferential walls of the encapsulation," as recited in Claims 1 and 18, as currently amended. Similarly, Crump does not disclose or suggest an "end closure disposed beyond the portion of the stack defined by the helical path of the conveyor belt, wherein the end closure fits tightly against the second end edges of the outer and inner circumferential walls," as recited in Claim 24, as currently amended. As described above, the present specification at Page 9, Line 35, states "[t]he term 'fits tightly against' relates to a reasonable degree of sealing that prevents a considerable flow of water vapour from passing." The Office Action cites Crump, Figures 1, 8 and 9, as teaching a first end closure 16 arranged to cover the conveyor belt at the upper edge of the encapsulation. Element 16 refers to the outer housing of the apparatus. See Crump, Column 5, Lines 44-46. It is readily apparent that the outer housing 16 does *not* fit tightly against the outer and inner circumferential walls of the (alleged) encapsulation, as required by Claims 1, 18, and 24, as currently amended. To illustrate, see arrows in Crump

Figure 8 indicating passage of air between and beyond the outer housing 16 and the conveyor stack 20, or any element alleged by the Office Action to comprise an encapsulation thereof.

It is clear for at least these reasons that Crump does not teach or suggest "each and every element" of Claims 1, 18, and 24. Accordingly, Applicants request withdrawal of the rejections to independent Claims 1, 18, and 24, and their associated dependent Claims 2, 5-13, 15, 19, and 22.

Claim Rejections Under 35 U.S.C. § 103(a) as being unpatentable over Crump, in further view of U.S. Patent No. 5,526,581, issued to Winterson et al. ("Winterson"), in further view of U.S. Patent No. 5,515,775, issued to Hwang et al. ("Hwang"), and in further view of U.S. Patent No. 3,412,476, issued to Astrom et al. ("Astrom").

Claims 3, 20, and 23 stand rejected as being unpatentable over Crump as applied above to Claims 1 and 18, and in further view of U.S. Patent No. 5,526,581, issued to Winterson et al. ("Winterson"). Claims 4, 14, and 21 stand rejected as being unpatentable over Crump as applied above to Claims 1 and 18, and in further view of U.S. Patent No. 5,515,775, issued to Hwang et al. ("Hwang"). Claims 16 and 17 stand rejected as being unpatentable over Crump as applied above to Claims 1 and 18, and in further view of U.S. Patent No. 3,412,476, issued to Astrom et al. ("Astrom").

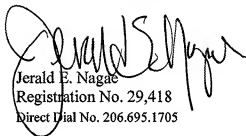
None of Winterson, Hwang, or Astrom remedy the deficiencies of Crump, as described above in regard to Claims 1 and 18. Therefore, Applicants respectfully submit that dependent Claims 3, 4, 14, 16, 17, 20, 21 and 23 are also in condition for allowance. Accordingly, Applicants respectfully request withdrawal of the rejections to these claims.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully submit that all pending claims are currently in condition for allowance. The Examiner is encouraged to telephone the undersigned with any remaining questions.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Jerald E. Nagae
Registration No. 29,418
Direct Dial No. 206.695.1705

JEN:tsn

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS^{PLLC}
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100